hundred in the third edition. This disproportion in the growth of the citations and of the text has had the advantage of leaving the latter brief enough for the purposes of the student, while giving something of the fullness of authority needed by the practicing lawyer. The first part of the book is devoted to an exposition of the general principles underlying both common law and statutory crimes, such as intent, capacity, and justification. The second part gives a brief survey of criminal procedure, while the third consists of careful definition of all the principal crimes.

The author has the misleading though common habit, probably derived by false analogy from the English text writers, of citing single uncontradicted decisions of state courts as general law. At times, too, a case cited is not authority for the point of law which it is said to support, — as where the famous case of Regina *v.* Keyn (2 Ex. D. 63) is quoted to prove that a nation has a quasi-territorial jurisdiction for three miles from its shores. Yet the work has obviously been given real thought. It is not a mere rearrangement of the time-worn text-book fallacies for purposes of sale. Its statements of principle are clear and refreshingly brief. Where distinctions are shadowy or incapable of certain application, the author has had the courage to say so frankly, instead of inventing bizarre criteria which no court could be counted on to sustain. While the book may still be too brief to be of much service to the practicing lawyer in preparing any particular case, yet for the student and general reader it stands distinctly above the average and is perhaps the best available work.

THE CONSTITUTIONAL DECISIONS OF JOHN MARSHALL. Edited with an Introductory Essay, by Joseph P. Cotton, Jr. In two volumes. New York and London: G. P. Putnam's Sons. 1905. pp. xxxvi, 462; v, 464. 8vo.

If the editor of these volumes had intended to prepare the constitutional decisions of Marshall's time for the present use of lawyers, he would have had no difficulty in forming a plan. Lawyers want a head-note giving the *ratio decidendi*, then the original reporter's statement or an equivalent, then the arguments of counsel or an abstract, then all the opinions, whether concurring or dissenting, and finally notes citing all the later cases and other literature; and they care little for critical comment, being of the contented view that what is done is done. The task set before the present editor is the very different and more perplexing one of adapting cases to the uses of the general reader. His plan is to reprint merely the opinions of Marshall, omitting formal head-notes, the technical statement of the cases, the arguments of counsel, and, with a few exceptions, the concurring and dissenting opinions. His editorial additions do not give numerous citations, but give in an introductory essay a rather conventional view of Marshall and of contemporary history, and prefix to each opinion comments indicating the doctrine of the case, the mode in which the question arose, and the editor's estimate of Marshall's opinion and of the influence which that opinion has exercised. As judicial opinions are not written for laymen, and as laymen cannot be cured of a tendency to believe that a *dictum* is just as authoritative as the *ratio decidendi*, it seems doubtful whether it is just to a judge or useful to the public to take judicial opinions out of their habitat and to place them before the general reader. Yet if the task is to be attempted, there is much to be said in favor of the present editor's plan. In view of the difficulties encountered by him, it is disagreeable to call attention to apparent blemishes. The introductory essay, quite appropriately intended to be laudatory, gives the unfortunate impression that Marshall was the whole court and that his opinions were dictated by partisan bias, and fails to indicate that throughout two-thirds of his service most of his colleagues were not of his own political faith. Again, the comments on the several opinions express disapproval more freely than is the habit of the profession, and certainly must be strong meat for laymen; for the editor questions almost half of Marshall's constitutional opinions in the Supreme Court, including almost three-fourths of

those which have become famous. These may well be deemed the rather creditable slips of an enthusiast. Of a different class is the omission to do all that can be done to protect the general reader from laying too much stress upon *dicta*; but the truth is that to render judicial opinions safe reading for laymen is an almost impossible undertaking.

E. W.

CORPORATIONS. A Study of the Origin and Development of Great Business Combinations and of their Relation to the Authority of the State. By John P. Davis. In two volumes. New York and London: G. P. Putnam's Sons. 1905. pp. ix, 318; iii, 295. 8vo.

This work was designed as an historical introduction to a more extended treatise upon "the modern corporation question," an undertaking which was cut short by the author's death in 1903. The present volumes are confined to the earlier ecclesiastical, educational, and eleemosynary corporations, to gilds and municipal corporations, and to the chartered trading companies. The development of joint-stock enterprise in the nineteenth century and all modern phases of the corporation problem are practically untouched, so that nothing but the ambitious title suggests the purpose the author had in view.

The book expressly disclaims original historical research, and professes rather to be an interpretation "of existing and accessible historical material." But even of secondary sources the author had very imperfect command; and his narrative is confined chiefly to England, dealing with other countries only when some such work as Rashdall's "Universities in Europe" gives him a broader outlook upon the facts. Even in the case of England, however, he has failed to make the most of such writers as Pollock and Maitland. For the general reader who desires an account of the early development of English corporations the book may be of some value; to the serious student it will be of little use.

The superficial character of Mr. Davis's historical chapters is not calculated to give one confidence in his interpretation of the "nature of corporations" or in his exposition of "the legal view of corporations"; and, in point of fact, these interpretative chapters yield results that are neither strikingly new nor strikingly important. It would have been well, moreover, to have deferred the consideration of the relation of corporations to the state until the history of corporate enterprise in the nineteenth century had been adequately examined. As the volumes stand, they are hardly more successful in legal interpretation than in historical research. Finally, in the reading of the proof "the author's legal representative," to whom the work fell, has not been particularly faithful to his trust.

C. J. B.

HINTS FOR FORENSIC PRACTICE. A Monograph on Certain Rules Appertaining to the Subject of Judicial Proof. By Theodore F. C. Demarest. New York: The Banks Law Publishing Company. 1905. pp. x, 123. 12mo.

This book will be of practical value to the trial lawyers of New York. It treats of objections to evidence, of striking out and disregarding evidence, and of motions to direct and set aside verdicts. Particular attention is paid to the effect of general objections, and to the meaning of the familiar but often little understood phrase, "incompetent, irrelevant, and immaterial." The text consists largely of extracts from New York decisions arranged in a novel and convenient manner. Every quotation from a decision is followed by a "remark" in a separate paragraph, which points out the relation of that case to the development of the law, and at the end of the cases upon a particular point the author's conclusions appear in an excellent summary. The method is that of a law lecture under the case system, and the happy result should commend the plan to text-writers whenever the topic handled is sufficiently limited to permit its use. Although the principles involved in Mr. Demarest's work are simple, many lawyers practise for years without thoroughly understanding them, and his